

REMARKS

This Amendment, submitted in response to the Office Action dated June 8, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-24 remain pending in the application. Claims 9 and 21 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 9 and 21 as set forth above. Claims 1, 2, 4, 6-8, 11, 13, 14, 16, 18-20 and 23-24 have been rejected under 35 U.S.C. § 102 as being anticipated by Potucek et al. (U.S.P. 6,437,358). Claims 3, 5, 15 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over Potucek. Claims 10, 12 and 22 have been rejected under 35 U.S.C. § as being unpatentable over Potucek in view of Oshima (U.S.P. 6,628,432). Applicant submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to an image reading device that provides improved image quality. Referring to Fig. 3, illustrating an exemplary embodiment of the invention, reading section 94 is movable along an optical axis L1 and similarly, lens 92 is movable along the optical axis using respective moving devices. Focus control is carried out to make a light receiving surface of a CCD 30 coincide with an imaging position of the lens unit 92. In particular, focus control changes a distance between a lens unit 92 and a film F while the distance between the CCD 30 and the lens 92 remains fixed. This maintains a proper magnification from frame to frame.

As an additional aspect of improving image quality, Applicant noted that conventional devices used a visible light applied to a recording medium for purposes of imaging and an

infrared light applied to the recording medium for purposes of defect detection. However, Applicant observed that the focusing positions for two visible and infrared lights differed from each other. Accordingly, the present invention takes into account the focusing differences by determining a positional offset of the two light sources and correcting for the offset amount.

Turning to the cited art, Potucek relates to an image capture device that provides defect correction from separate alignment of an image capture path and a defect capture path. To the extent that Potucek provides movement to a sensor element, it is for purposes of providing full scan of a document in conjunction with a scanning mirror 209. As best understood, the defect correction in Potucek is obtained by capturing a full normal image and a full defect image, where the angles of the normal imaging light and the defect imaging light are made to coincide as much as possible through proper positioning of mirrors.

The Examiner maintains that Potucek teaches each feature of independent claim 1. However, independent claim 1 describes a control section which adjusts the moving section such that focus control is carried out by which an imaging position of the imaging section and reading position of an image sensor coincide. The Examiner generally cites cols. 6-7 of Potucek to teach this feature of claim 1. However, the cited portion only includes a transport 218 which moves a mirror and sensor to provide a full scan. By contrast, claim 1 describes relative movement for making focusing positions of two elements coincide. Applicant would note that this control aspect of the invention provides an accurate magnification adjustment from one image to another. Potucek's disclosed scanner transport is directed to a different operation. Therefore, independent claim 1 is patentable for at least this reason.

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Because claims 13 and 24 include features analogous to claim 1, claim 13 is patentable for at least the reasons set forth above. Claims 2-11 and 14-23 are patentable based on their dependency. Applicant would submit that Oshima does not make up for basic deficiencies of Potucek. Independent claim 12 is patentable for similar reasons based on the fundamental deficiency of Potucek.

With further regard to claims 7 and 8, these claims describe the moving section to effectuate control during focusing of infrared and visible light. The Examiner relies on Potucek, cols. 5-10 to teach this feature. However, the cited portions do not describe movement of the sensor, original or imaging section for focusing purposes along a particular optical axis as required by base claim 1. Because Potucek seeks to minimize angular differences between an infrared and a visible source, the primary reference depends on repositioning of mirrors, for example, for error reductions. See col. 10, lines 56-59. Therefore, claims 7 and 8 are patentable for these additional reasons.

Applicant has added claims 25-29 to describe features of the invention more particularly.

In view of the above, Applicant submits that claims 1-29 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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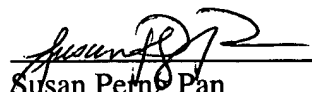
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